

REMARKS

This paper responds to the First Office Action.

The Abstract of the Disclosure section has been amended to address the Examiner's objection. The revised language is now directed toward a "method" and is believed to comply fully with MPEP § 608.01(b). Of course, if additional changes are necessary, the Examiner is asked to contact the undersigned directly so that appropriate changes can be made.

The Related Application section has been amended to include a reference to the original provisional application from which the subject application claims priority.

Claims 1, 2 and 4-10 stand rejected under § 102(b) as being anticipated by Milano. Claims 1, 2 and 4-10 were also rejected under § 102(e) as being anticipated by the Chow et al. published application, and claim 1, 2, and 9-10 were separately rejected under § 102(e) as being anticipated by the Ishii et al. published application. Claim 3 was rejected under § 103(a) as being obvious over the Chow et al. published application in view of Imer. Reconsideration and favorable action are respectfully requested for the following reasons:

Chow et al. is not prior art. The earliest effective filing date of the application under § 102(e) is December 1, 2000. The parent application from which this application is based was filed June 26, 2000, and applicant's provisional patent application Serial No. 60/181,921 was filed even earlier, namely, February 11, 2000. Thus, the Examiner is requested to withdraw the rejections set forth in Paragraphs 5 and 8 of the Office Action, as they are not legally supportable.

Likewise, Ishii et al. is not prior art for the relevant claims. It has an earliest effective filing date under § 102(e) of May 11, 2000, which is later than the February 11, 2000 filing date of applicant's provisional patent application Serial No. 60/181,921. Thus, the Examiner also is requested to withdraw the rejection set forth in Paragraph 6 of the Office Action.

This leaves the rejection under 102(b) of Claims 1, 2 and 4-10 under Milano. Applicant notes that claim 3 was not rejected as anticipated by Milano (which is correct, because the reference does not disclose the use of ultrasonic welding). Further, because as noted above the rejection of claim 3 (in view of Chow et al. and Imer) must be withdrawn

(as Chow et al. is not prior art), claim 3 should now be considered patentable. To this end, claim 1 has been amended to include the subject matter of original claim 3, which has been cancelled without prejudice or disclaimer. Claim 1, as now amended, describes patentable subject matter.

Claim 2 has been canceled and re-presented in a different form as new claim 17, which is discussed below.

Claims 4-8 are patentable for the reasons advanced with respect to their parent, Claim 1.

To expedite the prosecution of this case, Claims 9-10 have been canceled without prejudice or disclaimer.

Claim 11 already is allowable. The Examiner is thanked for her indication of patentable subject matter.

New Claims 12-16 are patentable as they depend from allowed Claim 11.

New Claim 17 corresponds to original Claim 2, but includes the further requirement that “at least two triangularly shaped pouches [be] formed in abutting opposed relation to each other and are removably connected to one another along a separation perforation.” This subject matter is neither disclosed nor suggested in Milano, which merely states that the pouch configuration may be “a triangle.” This single sentence is not a teaching or suggestion of the recited subject matter and, in particular, that (for example) first and second pouches are formed as a series of connected articles, each abutting the other in opposed relation, such as illustrated in Figure 3. Milano also does not disclose or suggest using fusion to secure the sealing edges, as now also positively recited. As to this subject matter, Ishii et al. is not prior art, as its earliest effective filing date is after that of applicant’s provisional patent application, which clearly discloses the subject matter now positively recited in this claim. Claim 17 is deemed patentable for these reasons.

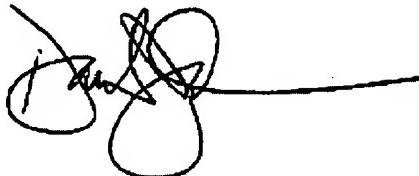
New Claim 18 describes the triangularly-shaped article made by the method of Claim 17 following its detachment along the “separation perforation” set forth in the parent claim. This claim should also be patentable for the reasons advanced with respect to the parent claim and because of the additional “following its detachment” clause.

PATENT

A one month extension of time and the appropriate fee are included to extend the date for response through August 30, 2004.

A Notice of Allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David H. Judson". It consists of two loops on the left, a middle loop, and a long horizontal line extending to the right.

By: _____

David H. Judson, Reg. No. 30,467

ATTORNEY FOR APPLICANT